REMARKS

Claims 1-24 were pending. Claims 1-4, 6-10, 12-16, 18-21 and 23 have been amended to generally correct for lack of antecedent basis. Accordingly, claims 1-24 remain pending subsequent entry of the present amendment.

35 U.S.C. § 102 Rejections

In the present Office Action, claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,151,644 (hereinafter "Wu"). In addition, claims 1-24 stand rejected under 3 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,675,790 (hereinafter "Walls"). Applicant respectfully traverses the above rejections and requests reconsideration.

By way of preface, Applicant notes that the only features of claims 1-24 discussed in the entirety of the present Office Action are those of independent claim 18. No features of any of the remaining claims are addressed. Given the distinct nature of many of the features of the remaining claims, Applicant believes the present Office Action is not complete as to all matters as required by M.P.E.P 707.07.

Applicant also notes that the rejection based upon the Walls reference appears to be missing. While a rejection based upon Walls is introduced on page 3 of the Office Action, the immediately following comments refer to the Wu reference and generally repeat the rejection previously presented in connection with Wu. Therefore, should the examiner wish to maintain rejections based upon Walls, the Applicant requests a further non-final Office Action be issued which provides the Applicant an opportunity to properly consider and respond to the examiner's arguments.

With respect to the features of claim 18, Applicant submits features are recited which are not disclosed by the cited art. For example, claim 18 recites a method which includes "(b) determining by the BMM if each data structure from the outside device will

fit into available space in the memory" and "(d) updating a memory state map associated with the memory in the BMM each time a memory transaction is made." At least these features are not disclosed buy the cited art. In the Office Action, a general reference is made to the Abstract and columns 2-6 of the Wu reference as disclosing all of the features labeled (b), (c), and (d) in claim 18. It is noted that the rejection is completely non-specific as to where the recited features are disclosed in the Wu reference. Nevertheless, Applicant submits the recited features are not present.

For example, as noted above, claim 18 recites "determining by the BMM if each data structure from the outside device will fit into available space in the memory." Wu does not disclose these features. In contrast, Wu discloses the following:

"Since receive module 20 <u>determines the length of each packet by counting the packet words as it stores them in buffer memory 18</u>, receive module 20 does not initially know whether packet P3 is large or small. Since receive module 20 does not initially know whether to store packet P3 in cell C1 of PB1 or starting in cell C0 of PB2, it concurrently stores incoming words of packet P3 in both cells. If packet P3 turns out to be small, receive module 20 simply ignores the copy of P3 stored in PB2 and later writes incoming packet P5 over the copy of P3 as illustrated in FIG. 2. On the other hand, if packet P3 had been large, the portion of P3 stored in cell C1 of PB1 would be ignored and receive module 20 would write the remaining portion of P3 to successive cells of PB2." (Wu, col. 6, lines 34-47) (emphasis added).

"Receive module 20 will continue to write incoming packets arriving after packet PB5 to the remaining packet buffers PB2-PBN in a similar manner until all packet buffers PB0- PBN have received either a single large packet or a sequence of one or more small packets. <u>When all packet buffers PB0-PBN have received packets, receive module 20 writes newly arriving packet(s) starting again with packet buffer PB0 on the assumption that transmit module 22 has already read out and forwarded any packet previously written to packet buffer PB0. The number N+1 of packet buffers PB0-PBN should therefore be made sufficiently large to handle any expected packet backlog in order to avoid overwriting packet data that has not been forwarded.</u>" (Wu, col. 4, line 64 – col. 5, line 9) (emphasis added).

As can be seen from the above, Wu discloses a system wherein a size of received data is determined as it is stored in a memory buffer. Further, it is assumed that previously received data will have been read out and newly received data will fit in the buffer memory (i.e., that there is available space for storing the received data). As disclosed above, when data is received it is written to the buffer memory – irrespective of whether or not there is space available. Accordingly, Applicant submits Wu does not disclose the features "determining by the BMM if each data structure from the outside device will fit into available space in the memory." Walls is generally directed to dynamic memory allocation and does not disclose these features either. For at least these reasons, claim 18 is patentably distinguishable from the cited art. The remaining independent claims 1, 7 and 13 include similar features and are patentably distinguished for similar reasons.

In addition to the above, claim 18 recites the features "updating a memory state map associated with the memory in the BMM each time a memory transaction is made." It is suggested that these features are disclosed by Wu. However, Applicant disagrees. As already discussed above, Wu discloses a system wherein a state of buffer entries is generally assumed. Applicant finds no disclosure or suggestion of a "memory state map" or the updating of such a map as recited in Wu. Similarly, no such updating feature is found in Walls. Accordingly, each of the independent claims are patentably distinguished for at least these additional reasons as well.

In view of the above, all claims are patentably distinguishable from the cited art. It is also noted that independent claims 1, 7, and 13 recite features which are not included in claim 18. As only claim 18 has been addressed in the present Office Action, a number of features of the other independent claims which are not disclosed by the cited art have not been addressed. For example, claim 1 separately recites a communication link from the BMM to a processor, and informing the processor of new data and its location. These features are not disclosed by the cited art. Similarly, claim 13 separately recites an I/O device, a processor, and a BMM.

Further, additional features are recited in the dependent claims which are absent from the cited art. For example, claim 2 recites "in the process of storing each data structure, provides a data identifier for the structure on the link to the processor" which is not disclosed. Claim 4 recites "in response to a signal on the processor link that the processor is finished with certain identified data in the memory, copies the data from the memory, if needed, to another device, and updates the memory state map to indicate the region of the data copied" which is not disclosed by the cited art. Claim 5 recites features directed to an interrupt handler which are not disclosed. Other non-disclosed features may be found in the dependent claims as well.

Information Disclosure Statements

Applicant notes that while the information disclosure statements submitted on July 19, 2004, February 11, 2005 and March 7, 2005, were received by the PTO, signed copies were not returned by the examiner. Applicant would appreciate the examiner signing and returning the previously submitted information disclosure statements to indicate each of the references were considered. For the examiner's convenience, a copy of the each of the previously submitted information disclosure statements is included herein.

In view of the above discussion, Applicant believes the application to be in condition for allowance.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

☒ Copies of previously submitted information disclosure statements of July 19, 2004, February 11, 2005 and March 7, 2005, are attached.

Respectfully submitted,

/James W. Huffman/
James W. Huffman
Reg. No. 35,549
ATTORNEY FOR APPLICANT(S)

Date: 4/24/06

11

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

In re application of:	Enrique Musoll Adolfo M. Nemirovsky Mario D. Nemirovsky Narendra Sankar
Serial No.:	09/602279
Filed:	6/23/00
Docket:	MIPS.0168-00-US
For:	METHODS AND APPARATUS FOR BACKGROUND MEMORY MANAGEMENT

Attached hereto is Form PTO-1449 listing documents believed relevant to the subject application. It is respectfully requested that the Examiner review the information disclosed herein in detail, independently evaluate each item carefully in the consideration of the pending claims and return an initialed copy of each form to the undersigned.

This disclosure statement should not be construed as a representation that a search has been made, that no other material information as defined in 37 C.F.R. § 1.56(a) exists, or as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b) or is available as a reference under 35 U.S.C. § 102 *et seq.* Applicant reserves the right to swear behind or otherwise disprove the allege "prior" nature of any art cited should the facts support and the situation warrant such an action.

It is believed that this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98, and the Manual of Patent Examining Procedures § 609. If for some reason the examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.
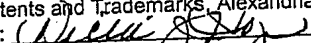
A copy of each document is enclosed. Some of the documents may have markings thereon. No significance is intended to be attached to the markings.

Respectfully submitted,

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Date: 6-19-04

			Complete if Known	
Substitute for form 1449A/PTO		Application Number	09/602279	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary		Filing Date	6/23/00	
		First Named Inventor	Enrique Musoll Adolfo M. Nemirovsky Mario D. Nemirovsky Narendra Sankar	
		Group Art Unit	2182	
		Examiner Name	Tammara R. Peyton	
Sheet	1 of 1	Attorney Docket Number	MIPS.0168-00-US	

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.[1]	U.S. Patent Document Number	Kind Code[2]	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	6381242		Maher et al	04/30/2002	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.[1]	Foreign Patent Document Number[4]	Kind Code[5]	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

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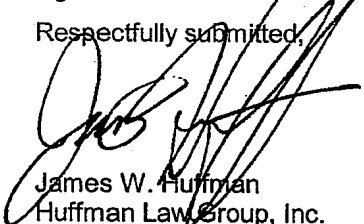| In re application of:	Enrique Musoll; Adolfo M. Nemirovsky; Mario D. Nemirovsky; Narendra Sankar
Serial No.:	09/602279
Filed:	06/23/00
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Respectfully submitted,

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Date: 1-31-05

Substitute for form 1449A/PTO	**Complete if Known**	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary	Application Number	09/602279
	Filing Date	06/23/00
	First Named Inventor	Enrique Musoll Adolfo M. Nemirovsky Mario D. Nemirovsky Narendra Sankar
	Group Art Unit	2182
	Examiner Name	Tammara R. Peyton
Sheet	1	of	3	Attorney Docket Number	MIPS.0168-00-US

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.[1]	U.S. Patent Document Number	Kind Code [2]	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	5708814		Short et al	01/13/1998	
	AB	5724565		Dubey et al	03/03/1998	
	AC	6460105		Jones et al	10/01/2002	
	AD	6523109		Stephan G. Meier	02/18/2003	
	AE	6535905		Kalafatis et al	03/18/2003	
	AF	2001/0004755		Levy et al	06/21/2001	
	AG	2001/0043610		Nemirovsky et al	11/22/2001	
	AH	2001/0052053		Nemirovsky et al	12/13/2001	
	AI	2002/0016883		Musoll et al	02/07/2002	
	AJ	2002/0049964		Takayama et al	04/25/2002	
	AK	2002/0071393		Enrique Musoll	06/13/2002	
	AL	2002/0083173		Musoll et al	06-27-2002	
	AM	09/608750		Nemirovsky et al	Not published	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.[1]	Foreign Patent Document Number[4]	Kind Code[5]	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	BA	WO 03/005645		Sampath et al	06/25/2002	

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Sheet	2	of	3	Attorney Docket Number	MIPS.0168-00-US

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

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	CA	MELVIN ET AL, "Extended Instruction Set for a Packet Processing Applications:, July 5, 2001, Disclosure Document #496559, USPTO	
	CB	MUSOLL ET AL, "Hardware Algorithm for Allocating and De-Allocating Consecutive Blocks of Memory, " April 3, 2001, Disclosure Document #491557, USPTO	
	CC	MUSOLL ET AL, "Mechanism to Overflow Packets to a Software Controlled Memory When They Do Not Fit intoa Hardware Controlled Memory, July 3, 2001, Disclosure Document #496391, USPTO	
	CD	MUSOLL ET AL, "Mechanism for Allowing a Limited Packet Head and/or Tail Growth Without Moving the Packet to a Different Memory Location," April 16, 2001, Disclosure Document #492429, USPTO	
	CE	MUSOLL ET AL, "Mechanism to Activate a Context When No Stream is Running in a Multi-Streaming Processing Core", April 16, 2001, Disclosure Document #492431, USPTO	
	CF	MUSOLL, ENRIQUE, "Functional Validation of a Packet Management Unit:, May 18, 2001, Disclosure Document #429011, USPTO	
	CG	SAMPATH ET AL, "Mechanism To Un-Speculatively Pre-Fetch Instructions From the Thread Associated to a Packet:, July 5, 2001, Disclosure Document #491527, USPTO	
	CH	YAMAMOTO, WAYNE. *An Analysis of Multistreamed, Superscalar Processor Architectures.* University of California Santa Barbara Dissertation. December 1995. Santa Barbara, US.	
	CI	YAMAMOTO et al. "Increasing Superscalar Performance Through Multistreaming." *Parallel Architectures and Compilation Techniques (PACT '95).* 1995	
	CJ	The PowerPC Architecture: A Specification for a New Family of RISC Processors. 2nd Ed. May 1994. pp. 70-72. Morgan Kaufmann. San Francisco, US.	
	CK	MC68020 32-Bit Microprocessor User's Manual. 3rd Ed.. 1989. pp. 3-125, 3-126, and 3-127. Prentice Hall, NJ, US.	

Examiner Signature		Date Considered	

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	Group Art Unit	2182
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Sheet 2 of 3	Attorney Docket Number	MIPS.0168-00-US

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
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	CK	MC68020 32-Bit Microprocessor User's Manual. 3rd Ed.. 1989. pp. 3-125, 3-126, and 3-127. Prentice Hall, NJ, US.	

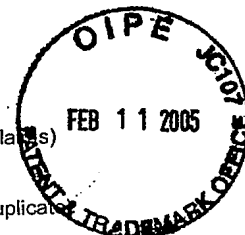| Examiner Signature		Date Considered.	

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Inventor(s): Enrique Musoll; Adolfo M. Nemirovsky; Mario D. Nemirovsky; Narendra
              Sankar
Our Docket: MIPS.0168-00-US
Serial No.:   09/602279

Enclosed:

___ page(s) Specification (including disclosure, title page, abstract and claims)
___ page(s) of Drawings (informal)
___ page(s) Executed Combined Declaration/Power of Attorney
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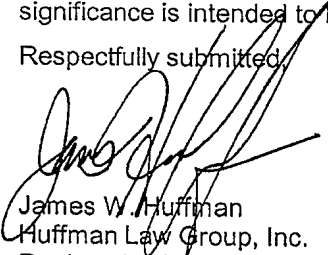| In re application of:	Enrique Musoll Adolfo M. Nemirovsky Mario D. Nemirovsky Narendra Sankar
Serial No.:	09/602279
Filed:	06/23/00
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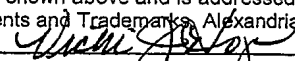
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Date: 3-1-05

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary				Application Number	09/602279
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	AA	5784649		Begur et al	07/21/1998	
	AB	6529515		Raz et al	03/04/2003	
	AC	6625808		David R. Tarditi	09/23/2003	
	AD	6640248		Jacob W. Jorgensen	10/28/2003	
	AE	6738371		Lawrence Ayres	05/18/2004	
	AF	6738378		Tuck, III et al	05/18/2004	
	AG	6813268		Kalkunte et al	11/02/2004	

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Attorney Docket No.	MIPS.0168-00-US
First Named Inventor	ENRIQUE MUSOLL
Application Title	METHODS AND APPARATUS FOR BACKGROUND MEMORY MANAGEMENT

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☐ Power of Attorney

☐ Assignment Papers (cover sheet & document(s))
☒ Certificate 37 CFR 3.73(b)
☒ Information Disclosure Statement (IDS/PTO-1449)
☒ IDS Transmittal
☒ Copies of IDS Citations *-c over pages*
☐ Other _____

Express Mail Label Number: <u>EO 004181215 US</u>	Date of Deposit: 3/7/05

CUSTOMER Online Record

DO NOT MAIL

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery	Flat Rate Envelope
80907	☐ Next ☐ Second	☒

Date In			Postage
Mo. Day Year	☐ 12 NOON ☐ 3 PM		$ 13.65

Time In	Address to PO Box	Return Receipt Fee
☐ AM ☐ PM	☒	

Weight		COD Fee	Insurance Fee
1 lb			

No Delivery	Acceptance Clerk Initials	Total Postage & Fees
☒ Weekend ☒ Holiday		$ 13.65

EO 004 181 215 US

WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

CUSTOMER INFORMATION

FROM: PHONE (719) 475-7103

James. W. Huffman
Huffman Law Group, PC
1832 N CASCADE AVE
COLORADO SPRINGS , CO 80907-7449

TO: PHONE _____

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

FOR PICKUP OR TRACKING CALL 1-800-222-1811   **www.usps.com**

If you bring your item to the post office, present this record for proof of mailing.

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